

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1301.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On April 17, 1911, the United States Attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed information in three counts in the District Court of the United States for said district against the Star Wafer Co., a corporation, alleging shipments by it, in violation of the Food and Drugs Act, of an adulterated product on the dates and in the manner following: On July 9, 1910, shipment was made from the State of Oklahoma into the State of Texas of a consignment of ice cream cones which were adulterated. The product was labeled: (On shipping case) "Ice Cream Cones from Star Wafer Co., Oklahoma City, Okla. To C. H. Cox & Co., Waco, Texas. Color 4—24's 2-P—2-Y. Plain Bx. Pink."

Analysis of a sample of said product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: Boric acid, 0.248 per cent; saccharin present; colored with erythrosin. Adulteration was alleged in the first count of the information against this product for the reason that it contained an added poisonous and deleterious ingredient which rendered same injurious to health, to wit, boric acid. On June 11, 1910, shipment was made from the State of Oklahoma into the State of Nebraska of a consignment of ice cream cones, which were adulterated. The product was labeled: "Don't forget we can supply you with Ice Cream Cones in any quantity. They are trade winners. If you have not handled these cones write us for prices. Star Wafer Co." Analyses of two samples of said product, numbered respectively I. S. 616-c and I. S. 614-c, by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: (I. S. No. 616-c) Boric acid turmeric test positive; boric acid, 0.26 per cent; color double dyeing test positive-Naphthol Yellow S. (I. S. No. 614-c) Boric acid-turmeric test positive; boric acid 0.28 per cent; color double dyeing test positive-Naphthol Yellow S. Saccharin declared. Adulteration was alleged in the second count of the infor-

mation against this product, for the reason that it contained an added poisonous and deleterious ingredient which rendered the same injurious to health, to wit, boric acid. On July 16, 1910, shipment was made from the State of Oklahoma into the State of Texas of a quantity of ice cream cones which were adulterated. The product was labeled: "Ice cream cones * * * Star Wafer Co. * * * General office, Oklahoma City, Oklahoma." Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Boric acid 0.28 per cent. Saccharin present, coal tar colors negative. Adulteration was alleged in the third count of the information against this product, for the reason that it contained an added poisonous and deleterious ingredient which rendered the same injurious to health, to wit, boric acid or a compound of boron.

On September 18, 1911, the defendant pleaded guilty to each count of the information and was fined \$100 on each count, or a total of \$300, and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*